



**BILL RICHARDSON**  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**  
*Office of the Secretary*  
*Harold Runnels Building*  
*1190 St. Francis Drive, P.O. Box 26110*  
*Santa Fe, New Mexico 87502-6110*  
*Telephone (505) 827-2855*  
*Fax (505) 827-2836*



**RON CURRY**  
SECRETARY

**DERRITH WATCHMAN-MOORE**  
DEPUTY SECRETARY

October 3, 2003  
Immediate Release

Contact: Jon Goldstein, NMED Communications Dir.  
Phone: (505) 827-0314

## **LANL Ships Improper Waste to WIPP in Violation of Federal Certification; Environment Department Concerned with Waste Analysis Failure**

(Santa Fe, NM) — The New Mexico Environment Department (NMED) has learned that recent shipments of radioactive waste from Los Alamos National Laboratory (LANL) to the Waste Isolation Pilot Plant (WIPP) near Carlsbad violated federal requirements. These requirements, administered by the U.S. Environmental Protection Agency (EPA), are to ensure that waste emplaced at WIPP is transuranic, the sort of waste the facility was designed and permitted to contain.

At least 98 55-gallon drums sent from LANL to WIPP between early August and mid September fell below the transuranic threshold (man-made elements that are heavier—higher in atomic number—than uranium). The fact that these drums were sent to WIPP in violation of federally mandated waste acceptance criteria reflects a breakdown in LANL's transuranic waste certification procedures.

"We are concerned with this failure of the Department of Energy's waste analysis program," said NMED Secretary Ron Curry. "By emplacing waste that does not meet the definition of transuranic at WIPP, DOE is not only violating federal procedures, it is wasting the taxpayers' money. This waste should be sent elsewhere, to a lower cost facility. Putting it in WIPP—the high rent district—wastes space and federal dollars."

WIPP has suspended further shipments from LANL pending an investigation of the failure to follow procedures intended to satisfy the waste acceptance criteria for WIPP. WIPP was designed and permitted to contain only waste that is defense related and transuranic. To ensure this, both the waste containers themselves and their supporting documentation are closely analyzed. It appears that one procedure in particular, the radioassay used to quantify the radioactivity in each container, failed in this case.

"Considering LANL's current environmental standing with the state, we are disappointed with this egregious management error," said Secretary Curry. "While there does not appear to be any increased danger to health or the environment because of these DOE mistakes, NMED still feels a strong responsibility to make this information public. As we have in the past, we will continue to share information with the citizens of New Mexico as quickly and as completely as possible."

*more*

Waste Violation

10/3/03

Page 2

NMED was notified of this violation on October 2, the EPA was notified on September 29<sup>th</sup>.

Radioassay and waste analysis for radioactive constituents are federally regulated. NMED through WIPP's permit and Waste Analysis Plan (WAP) regulates hazardous substances in WIPP waste.

"This breakdown of waste certification procedures is especially concerning given the recent push in Congress to change WIPP's Waste Analysis Plan," said Secretary Curry. "By limiting state oversight of waste analysis activities, we are being forced to simply trust DOE on what's in these drums. As this failure points out, that's something the state cannot afford to do."

For further information contact Jon Goldstein, Communications Director, NMED at (505) 827-0314.

###